

NO. 24688

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MARSHALL MARTINEZ, Plaintiff-Appellant,

vs.

TED SAKAI, Director of Public Safety; EDWIN SHIMODA,  
Administrator, Institutions Division, et al.,  
Defendants-Appellees.

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CIV. NO. 00-1-312)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that the circuit court's September 20, 2001 order dismissing Civil No. 00-1-312 (GKN), the Honorable Greg K. Nakamura presiding, has not been reduced to a separate judgment, as required by Rule 58 of the Hawai'i Rules of Civil Procedure. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994); Price v. Obayashi, 81 Hawai'i 171, 176, 914 P.2d 1364, 1369 (1996). Therefore, this appeal is premature and we lack jurisdiction. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 14, 2002.